



Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)
Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 0465-1165PUS1	
	Application Number 10/824,350-Conf. #6334	Filed April 15, 2004	
	First Named Inventor Nam Seon CHO		
	Art Unit 3637	Examiner M. W. ING	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheets. Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>39,538</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			

Signature
James T. Eller, Jr.
Typed or printed name
(703) 205-8000
Telephone number
January 3, 2008
Date



Docket No. 0465-1165PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Nam Seon CHO

Application No.: 10/824,350

Confirmation No.: 6334

Filed: April 15, 2004

Art Unit: 3637

For: Door assembly of refrigerator

Examiner: Matthew W Ing

REQUEST FOR A PRE-APPEAL BRIEF CONFERENCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby request a pre-appeal conference with respect to the final Office Action dated October 4, 2007, in which pending claims 1, 3-4, 6-12 and 15-16 stand rejected. A Notice of Appeal is being filed herewith. The proper Appeal fee is being filed herewith.

GROUND OF REJECTION TO BE REVIEWED

Claims 1, 3, 4, 6-12, 15 and 16 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Applicants admitted prior art (AAPA) in view of Darden and Lange.

Applicant's Figs. 1-3 clearly do not disclose (1) a supporting member protruded in a first direction on a lower surface of the handle holder member and receivable within a groove provided in the door, preventing damage from occurring on the handle holder, (2) wherein the supporting member is disposed between the handle and a securing mechanism configured to

secure a corresponding handle holder to the side of the door so as to absorb a force applied to the handle in a second direction opposite to the first direction and reinforce a strength of the handle holder when the sliding door is slid open and closed, and (3) wherein the supporting member is integrally formed with the handle holder such that the supporting member and the handle holder are a single unitary piece.

Darden and Lange clearly do not disclose (1) a refrigerator door assembly; (2) a sliding door configured to be slid open and closed; (3) a plurality of handle holders each having an end fixed to the door and another end attached to the handle, wherein the end fixed to the door comprises (4) a handle holder member extended to the handle; or (5) the many supporting member features discussed in the pervious paragraph. Because none of the three references discloses these positively recited features of the claimed invention, there is no basis in these references to come up with, or render obvious, the claimed invention.

Secondly, Applicant respectfully submits that the two secondary references, Darden and Lange differ so substantially from Applicant's Figs. 1-3, that they teach away from being combined, as suggested in the final rejection.

Lange is directed to a cabinet door hinge used to hingedly attach cabinet side 2 with cabinet door 1 using a hinge with three separate components, i.e., recessed plate 5 with retainer 9 on which block 10 is press-fitted, and a U-shaped piece 18 into which block 10 fits and pivots, the U-shaped piece being located in door 1, and Darden discloses a log debarking element used in rotary log back stripping machines. Darden has, as an object of invention, a curved tool that climbs down a log and radially deflects inwardly in a non-destructive manner (col. 2, lines 14-27). Darden's debarking tool has a cutting bit 90 located on the free end of a curved frame 40.

Bit 90 has an exterior cutting edge 98 and a centrally located bolt hole 100, by which it is fastened to a frame bit support 80, which also has a single, centrally located bolt hole 86, by a bolt 104 that extends through both holes and is fastened by a lock washer and nut, shown in Fig. 3. a ridge 94 on the bottom of the bit 90 fits into a corresponding groove 84 in bit holder 80. The free end of bit 90 is where its cutting face 96 is located. The other end of bit 90 fits into a retaining channel 83 in the bit holder 80. Darden's bit is not grabbed by a user to open a drawer, and would de-skin a user's hand if a user tried to grab it. In fact, from analyzing Fig. 14b, it is clear that the forces acting on bit 96 are from the log, and those forces tend to compress the bit into and against the bit holder 80. This differs substantially from Applicant's situation, where the destructive force lifts the handle and handle holders upward away from the surface to which it is attached.

Neither Darden nor Lange has anything to do with sliding drawers; (2) sliding drawer handle holders; (3) sliding drawers with horizontal door handles connected to a top surface of the sliding drawer by separate handle holders having one end fixed to the top of the drawer and a free end holding the drawer handle; or (4) strengthening drawer handle holders subjected to a force placed thereon by a person who opens the door by pulling upward on the handle.

Thirdly, contrary to the remarks contained in paragraph No. 11 of the outstanding Office Action, Darden and Lange are not reasonably pertinent to the particular problem with which the Applicant was concerned.

Neither Lange nor Darden is reasonably pertinent to the problem with which Applicant is concerned, which is damage to the door handle holders located on the top surface of a slidable refrigerator door, which occurs at a specific one of two screw hole locations in the handle

holders. Lange is directed to a cabinet door hinge used to hingedly attach cabinet side 2 with cabinet door 1 using a hinge with three separate components, i.e., recessed plate 5 with retainer 9 on which block 10 is press-fitted, and a U-shaped piece 18 into which block 10 fits and pivots, the U-shaped piece being located in door 1.

Nor does either Lange or Darden have anything to do with sliding drawers; (2) sliding drawer handle holders; (3) sliding drawers with horizontal door handles connected to a top surface of the sliding drawer by separate handle holders having one end fixed to the top of the drawer and a free end holding the drawer handle; (4) strengthening drawer handle holders subjected to a force placed thereon by a person who opens the door by pulling upward on the handle.

Darden discloses a log debarking element used in rotary log back stripping machines. Darden has, as an object of invention, a curved tool that climbs down a log and radially deflects inwardly in a non-destructive manner (col. 2, lines 14-27). Darden's debarking tool has a cutting bit 90 located on the free end of a curved frame 40. Bit 90 has an exterior cutting edge 98 and a centrally located bolt hole 100, by which it is fastened to a frame bit support 80, which also has a single, centrally located bolt hole 86, by a bolt 104 that extends through both holes and is fastened by a lock washer and nut, shown in Fig. 3. a ridge 94 on the bottom of the bit 90 fits into a corresponding groove 84 in bit holder 80. The free end of bit 90 is where its cutting face 96 is located. The other end of bit 90 fits into a retaining channel 83 in the bit holder 80. Darden's bit is not grabbed by a user to open a drawer, and would de-skin a user's hand if a user tried to grab it. In fact, from analyzing Fig. 14b, it is clear that the forces acting on bit 96 are from the log, and those forces tend to compress the bit into and against the bit holder 80. This differs substantially

from Applicant's situation, where the destructive force lifts the handle and handle holders upward away from the surface to which it is attached.

Accordingly, Darden and Lange have nothing whatsoever to do with solving the same or a similar problem as does Applicant. Because of this, it becomes clear that the rejection is based on improper hindsight based solely on Applicant's disclosure.

Thus, withdrawal of the final rejection and allowance of all pending claims are respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: January 3, 2008

Respectfully submitted,

By 

James T. Eller, Jr.

Registration No.: 39,538

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant